


II. 3

City of Costa Mesa

Interoffice Memorandum

SUPPLEMENTAL REPORT

To: PLANNING COMMISSION

From: WENDY SHIH, ASSOCIATE PLANNER 

Date: July 22, 2004

Subject: **PLANNING APPLICATION PA-04-21**
1045 EL CAMINO DRIVE
PLANNING COMMISSION MEETING OF JULY 26, 2004

The application was continued from the June 28, 2004, Planning Commission meeting to allow property owners to attend the study session and public hearing. One of the owners was at the study session on July 19, 2004, and another has confirmed his presence at the hearing.

In response to questions raised regarding vehicles stored on the streets, staff obtained police reports in the immediate and surrounding area. The report indicates that there were 30 vehicles towed from January 1, 2004 through June 4, 2004, only 3 of which were from the immediate area (intersection of Coronado and Mendoza) and all 3 occurred on the same day (May 29, 2004). There was no indication as to whether the vehicles were related to the business.

A question was also raised regarding the abandoned service station sign (with gas price options) on the corner of El Camino Drive and Mendoza Drive. The applicant has removed a portion of the sign frame originally used to advertise gasoline sales and will paint and change the sign face for auto service only. A condition (no.17) has been included to require repair and maintenance of the sign for the auto service facility.

Residents in the area state that a mobile detailing business continues to be conducted on the subject property. Staff has notified the station owner (Jack Sakzlyan) that this is illegal and he will make sure that it gets removed. Staff also notified Code Enforcement of the on-going violation. Condition no. 16 has been modified to include that detailing work is prohibited.

Staff recommends removal of condition no.14, since staff confirmed the noise level from the dynamometer does not exceed allowable limits (supplemental memo for the June 28, 2004 meeting). Staff is also recommending an additional condition (no.18) limiting hours of operation to 8 a.m. to 6 p.m., Mondays through Fridays and 8 a.m. to

2 p.m. on Saturdays. No work on Sundays. The applicant has been informed and has agreed to this condition.

The original staff report (June 28, 2004) is included for Planning Commissioners' reference.

Attachment: Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval

cc: Deputy City Mgr.-Dev. Svs. Director
 Assistant City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Carl Reinhart
El Camino Partners
17871 Mitchell, Ste. 100
Irvine, CA 92614

Daniel Carlton
2600 Michelson Dr., Ste. 1120
Irvine, CA 92612

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-04-21**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES
AS FOLLOWS:

WHEREAS, an application was filed by Daniel Carlton, representing Carl Reinhart, owner of real property located at 1045 El Camino Drive, requesting approval to modify an existing conditional use permit to discontinue the car wash and gasoline sales and to become solely an automotive repair facility; and,

WHEREAS, duly noticed public hearings were held by the Planning Commission on June 28, 2004, and July 26, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-04-21 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for PA-04-21 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 26th day of July 2004.

Chair
Costa Mesa Planning Commission

[illegible]

I, Perry L. Valentine secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 26, 2004, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed change of use, as conditioned, will be more compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the property will be less intensely used than before, without the gasoline sales and car wash. The recommended conditions of approval will ensure that the operation will not be disruptive to residential uses or properties in the vicinity. The added landscaping at the northwest corner of the property will also improve the aesthetics of the property as viewed from the street intersection and increase its compatibility with the surrounding residential neighborhood. Parking will comply with current Code requirements and approval of the use is contingent upon availability of the existing 4 parking stalls provided off-site plus 4 parking stalls on-site unless a total of 8 parking stalls can be provided on-site to serve the automotive repair business. Although the use is not in conformance with the current General Plan designation for the property (Medium Density Residential), it complies with the Nonconforming Provisions with regard to allowable change of nonconforming use in nonresidential structures, and the degree of nonconformity will not be increased.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed use will be more compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. A total of 8 parking stalls shall be available to serve the property. Approval is contingent upon continued availability of the existing 4 parking spaces off-site plus 4 on-site unless all 8 parking spaces can be provided on-site.
4. Close the drive approach at the northwest corner of the lot on El Camino Drive and replace with full-height curb, gutter, and sidewalk.
5. Provide a minimum 15 ft. continuous landscape strip at the northwest corner of the property, between the two driveways. This condition shall be completed under the direction of the Planning staff.
6. A site/parking/landscape plan shall be submitted reflecting the above conditions (no. 3-5). This condition shall be completed under the direction of the Planning staff.
7. All site improvements shall be completed by **December 31, 2004**.
8. The applicant shall contact the Planning Division to arrange for a Planning inspection of the site prior to the above date. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
9. There shall be no outdoor overnight storage of vehicles.
10. The use shall be limited to the number of vehicles that will not interfere with on- or off-site parking and circulation.
11. No queuing of customer vehicles within the public right-of-way shall be permitted.
12. No vehicles shall be parked/stored on the street or at the adjacent shopping center.
13. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever operational measures are necessary to comply with this requirement.

14. The doors of the dynamometer bay shall be closed during vehicle testing. - *Delete*
15. Complaints regarding noise related to the operation of the use and/or violation of any of the operating conditions and restrictions shall be immediately remedied by the applicant.
16. The use shall be limited to the description in the staff report (auto repair/service including smog check and certification in the main building and storage in the former car wash building). No body work/repair, engine replacement/rebuilding, *or vehicle washing/detailing* shall be permitted.
17. The freestanding sign for the auto service facility shall be repaired/replaced and maintained in good condition.
18. The hours of operation shall be limited to 8 a.m. to 6 p.m., Mondays through Fridays, and 8 a.m. to 2 p.m. on Saturdays. No work shall be permitted on Sundays.
- Eng. 19. Obtain a permit from the Engineering Division, at the time of development and then remove existing driveway on El Camino Drive and replace with full height curb and sidewalk at applicant's expense.
- Trans. 20. Close westerly drive approach on El Camino Drive with full height curb and gutter.